

SENATE BILL 965

F1

11r3028
CF HB 1092

By: **Senator Benson**

Introduced and read first time: March 4, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Age for Compulsory Public School Attendance –**
3 **Exemption**

4 FOR the purpose of altering, in Prince George's County, the age at which certain
5 children are required to attend a public school regularly during the entire school
6 year, subject to certain exceptions; requiring certain parents or guardians of
7 certain children to provide written consent before the children may withdraw
8 from public school attendance; requiring certain school officials to provide a
9 certain notification under certain circumstances; requiring certain persons with
10 legal custody or care and control of certain children to see that the children
11 attend school, receive instruction, or have written consent to withdraw from
12 public school attendance; providing for certain penalties for certain persons; and
13 generally relating to the age for compulsory public school attendance in Prince
14 George's County.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 7–301(a)(1)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY adding to
21 Article – Education
22 Section 7–301.1
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-301.

2 (a) (1) Except as otherwise provided in this section **AND IN § 7-301.1 OF**
3 **THIS SUBTITLE**, each child who resides in this State and is 5 years old or older and
4 under 16 shall attend a public school regularly during the entire school year unless the
5 child is otherwise receiving regular, thorough instruction during the school year in the
6 studies usually taught in the public schools to children of the same age.

7 **7-301.1.**

8 (A) **THIS SECTION SHALL APPLY ONLY IN PRINCE GEORGE'S COUNTY.**

9 (B) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
10 **SUBSECTION, EACH CHILD WHO RESIDES IN PRINCE GEORGE'S COUNTY AND IS**
11 **5 YEARS OLD OR OLDER AND UNDER 18 SHALL ATTEND A PUBLIC SCHOOL**
12 **REGULARLY DURING THE ENTIRE SCHOOL YEAR UNLESS THE PARENT OR**
13 **GUARDIAN OF A CHILD WHO IS 16 OR 17 YEARS OLD PROVIDES WRITTEN**
14 **CONSENT TO THE LOCAL SCHOOL SYSTEM FOR THE CHILD TO WITHDRAW FROM**
15 **SCHOOL ATTENDANCE.**

16 (2) **THE COUNTY SUPERINTENDENT, SCHOOL PRINCIPAL, OR AN**
17 **INDIVIDUAL AUTHORIZED BY THE COUNTY SUPERINTENDENT OR PRINCIPAL**
18 **SHALL PROVIDE A WRITTEN NOTIFICATION OF RECEIPT TO THE PARENT OR**
19 **GUARDIAN OF A CHILD FROM WHOM WRITTEN CONSENT HAS BEEN RECEIVED**
20 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

21 (3) **THIS SUBSECTION DOES NOT APPLY TO A CHILD WHO IS**
22 **RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN**
23 **THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE**
24 **SAME AGE.**

25 (C) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, EACH PERSON WHO**
26 **HAS LEGAL CUSTODY OR CARE AND CONTROL OF A CHILD WHO IS 5 YEARS OLD**
27 **OR OLDER AND UNDER 18 SHALL SEE THAT THE CHILD ATTENDS SCHOOL,**
28 **RECEIVES INSTRUCTION, OR HAS WRITTEN CONSENT TO WITHDRAW FROM**
29 **SCHOOL ATTENDANCE.**

30 (D) (1) **ANY PERSON WHO INDUCES OR ATTEMPTS TO INDUCE A**
31 **CHILD TO BE ABSENT UNLAWFULLY FROM SCHOOL OR EMPLOYS OR HARBORS**
32 **ANY CHILD WHO IS ABSENT UNLAWFULLY FROM SCHOOL WHILE SCHOOL IS IN**
33 **SESSION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**
34 **FINE NOT TO EXCEED \$500 OR IMPRISONMENT NOT TO EXCEED 30 DAYS OR**
35 **BOTH.**

1 **(2) ANY PERSON WHO HAS LEGAL CUSTODY OR CARE AND**
2 **CONTROL OF A CHILD WHO IS 5 YEARS OLD OR OLDER AND UNDER 18 WHO**
3 **FAILS TO SEE THAT THE CHILD ATTENDS SCHOOL, RECEIVES INSTRUCTION, OR**
4 **HAS WRITTEN CONSENT TO WITHDRAW FROM SCHOOL ATTENDANCE IS GUILTY**
5 **OF A MISDEMEANOR AND:**

6 **(I) FOR A FIRST CONVICTION IS SUBJECT TO A FINE NOT TO**
7 **EXCEED \$50 PER DAY OF UNLAWFUL ABSENCE OR IMPRISONMENT NOT TO**
8 **EXCEED 10 DAYS OR BOTH; AND**

9 **(II) FOR A SECOND OR SUBSEQUENT CONVICTION IS**
10 **SUBJECT TO A FINE NOT TO EXCEED \$100 PER DAY OF UNLAWFUL ABSENCE OR**
11 **IMPRISONMENT NOT TO EXCEED 30 DAYS OR BOTH.**

12 **(3) (I) AS TO ANY SENTENCE IMPOSED UNDER THIS SECTION,**
13 **THE COURT MAY SUSPEND THE FINE OR THE PRISON SENTENCE AND ESTABLISH**
14 **TERMS AND CONDITIONS THAT WOULD PROMOTE THE CHILD'S ATTENDANCE.**

15 **(II) THE SUSPENSION AUTHORITY PROVIDED FOR IN THIS**
16 **SUBSECTION IS IN ADDITION TO AND NOT IN LIMITATION OF THE SUSPENSION**
17 **AUTHORITY UNDER § 6-221 OF THE CRIMINAL PROCEDURE ARTICLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2011.